

CASE #  
18-CV-109

May 17, 2018

# Response To Motion To Dismiss

Lasha Spears  
pro se

# UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

\_\_\_\_\_  
Division

Tasha Spears

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Carnegie Mellon University Police

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

## COMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE

(28 U.S.C. § 1332; Diversity of Citizenship)

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Tasha Spears

Street Address

7227 Travella Blvd

City and County

Pgh. Pa. 15235 (Allegheny)

State and Zip Code

Pennsylvania 15235

Telephone Number

412-595-6838

E-mail Address

Spears.tasha1@gmail.com

#### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Carnegie Mellon University Police  
police officer (Paul Heffrich #07)  
300 S. Craig St. Allegheny County  
Pittsburgh, Allegheny  
Pennsylvania, 15213  
412-268-6232

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

**A. The Plaintiff(s)**

1. If the plaintiff is an individual

The plaintiff, (name) Tasha Spears, is a citizen of the  
State of (name) United States.

2. If the plaintiff is a corporation

The plaintiff, (name) Tasha Spears, is incorporated  
under the laws of the State of (name) Pennsylvania,  
and has its principal place of business in the State of (name)  
Pennsylvania.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

**B. The Defendant(s)**

1. If the defendant is an individual

The defendant, (name) Carnegie Mellon University Police <sup>(Paul Heffrich) #07</sup>, is a citizen of  
the State of (name) Pennsylvania. Or is a citizen of  
(foreign nation) United States.

2. If the defendant is a corporation

The defendant, (name) Carnegie Mellon University Police, is incorporated under  
the laws of the State of (name) Pennsylvania, and has its  
principal place of business in the State of (name) Pennsylvania.  
Or is incorporated under the laws of (foreign nation) United States,  
and has its principal place of business in (name) United States.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

**C. The Amount in Controversy**

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Carnegie Mellon Police have refused to accept  
responsibility for these violations as it's been  
5 yrs, and they have known about it since it occurred.

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On (date) 2-13-13, at (place) Carnegie Mellon University,

the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because (describe the acts or failures to act and why they were negligent)

- 1 Paul Heffrich #07 failed to respond to me outside the University after I called and reported I was assaulted and I needed help.
- 2 Paul Heffrich #07 banned me from the University based off incorrect information he recieved.
- 3 Paul Heffrich #07 filed a harassment charge against me based off incorrect information he recieved when I was the victim.

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by (explain)

Causing much Stress because it forced me to physically and emotionally break down. Not only was I assaulted for no reason, but now the Police refuse to help me. I had to seek medical attention because my weight drastically dropped, and my blood pressure went up very fast. It cost me

### IV. Relief

a lot of money for attorneys I didn't have.

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

As of right now, I can't go to Oakland near, or around any of CMU's property or I will be arrested, because they never lifted the ban. Its been 5 yrs and I'm still banned.

① civil rights \$4,000,000.00  
 ② pain & suffering \$17,000.00 (medical)  
 ③ legal fees \$25,000.00 (negotiable)

See attached sheets (statement of claim continuance)

May 19, 2018

Page 4 of 5 (Continuance) Statements IN more Detail. III

### Allegations of Facts Vs. Opinions

O Mr Etter (PA92835) states paragraph II "Spears alleges that she contacted CMU Police later that day,"  
F I contacted police right after I was escorted outside the Loading Docks at the University while I waited for my ride. (There was audio of the call.)

\* Reference Exhibit A (No Trespass letter)

F Clearly, the letter doesn't state, "who seen or observed me engaging in illegal, unlawful ~~and unauthorized~~ unauthorized conduct, which means Mr. Heffrich #07 never witnessed nor observed me doing anything, so clearly I should have never been banned. Again, state what violation of the law had I committed. If so, he would have stated, HE seen me. Which clearly shows, that HE NEVER responded.

F IF he would have responded to my call, AND I was observed by him, doing anything illegal, or unlawful, he would have ARRESTED ME + NOT SENT A LETTER OF TRESPASS (banning from somewhere I was allowed to be, because I was a regular citizen) AND mind you, it is a public place. Also, If I was doing something illegal and unlawful, why would I call the police ON ME?

F The Letter of Trespass (Exhibit A) was dated Feb. 13, 2018.  
F The ~~Letter~~ Citation for Harassment (Exhibit B)

## Facts vs. Opinions (Continuation)

Dated Feb. 15, 2013, clearly shows that this report was filed days later based on mis-information recieved, but by me. There are 2 sides to every story not just 1 side.

Fact

I am an African American woman, and therefore, afforded the rights provided b 42 U.S.C. 1981.

I was not treated in a matter that is consistant with these typical practices. Mr. Hoffrich's demeaning and derogatory treatment of me because of my race, banning me from a public place, and filing these unjust charges against me, were unlawful. Desegregation of a person, Unlawfully, from a public place for NO REASON, is very Unlawful and UnJust.

Opinion

I am asking that this Court Assume Jurisdiction of this matter and Award me All compensatory damages, back Interest, as well as All reasonable counsel fees and such other relief as is just and appropriate associated with this case.

### Human Relations Claim

Fact

Mr. Ether states, I never filed with the Human Relations Commission and that I never tried to provide a statement to C.M.U. Police.

Fact

C.M.U. Police provided me with a Letter of Trespass dated Feb 13, 2013, which indicates that C.M.U. Police Already knew of this case and made the decision to NOT DO ANYTHING About It.

Page 16 of 5 Facts vs. Opinion (Continuation)

Opinion It is my opinion that CMU Police wanted this case to go away. CMU Contacted the Attorney that I had on the case at the time, and asked if the case was over, or what was the outcome?

They were advised that I was adjudged NOT Guilty. Why would CMU inquire about a case that didn't involve them at the time, if they had done nothing or had nothing to do with it? Even though we know it happened at CMU's University.

Fact It had been determined in Court that all the claims of harassment were frivolous and were all lies. So who's Guilty if I'm not?

Fact I Didn't file with Human Relations at this time because I thought by filing these charges in Court, would make them aware of the wrong doing that was done to me. especially when it's a matter of Public Documents + Court Documents that I am not Guilty of Any Wrong Doing, so I never was Aware of the Human Relations Department before now because this is my first case of this Magnitude, and I didn't think it would have come to this because I thought CMU Police would have Done the right thing by Now, and excepted Responsibility for their Actions by Now. I never knew what the steps were because I never sought legal counsel because I couldn't Afford it like I can't right now.



page 7 of 5

## Facts VS. Opinions

Facts

CMU states that I should have filed with Human Relations, they should have known that Mr. Herrick's Actions and his ignorance isn't ABOVE THE LAW. Therefore, they should have assumed full responsibility for what happened because they know that ~~His~~ Practices Are not consistent with their EVERY DAY Practices.

Facts

### The Argument

CMU Police wants to Dismiss this case for stating that the Attorney General is the one who may file A Desegregation of Public Places Charge.

Fact

I read that, "ANY ONE may file this charge and ~~the~~ Attorney General will take your complaint. However, Mr. Etter states that because I am a Private Citizen, I lack standing Under TITLE III and ASKS the court to dismiss this claim as A MATTER OF LAW.

Fact

It states, "Whenever the Attorney General receives a complaint in writing, the Attorney General is authorized to institute for or in the NAME OF the United States against such parties, and such Courts shall have and shall exercise jurisdiction of proceedings under this title the United States shall be liable for costs, including a reasonable attorney's fee, the SAME AS A PRIVATE PERSON.

Fact

It doesn't say, that a private person CAN'T

page 8 of 5      Facts vs. Opinions (continuation)  
bring a lawsuit under this title for this claim.  
It Doesn't State that the Judge can't decide  
my case outcome, and in This particular case,  
that's why CMU is asking the Judge to Dismiss  
and not the Attorney General because there  
wasn't a claim filed thru them. It was straight  
thru the Courts, which that's why CMU wants  
to Dismiss this claim. They are not saying  
or Denying that there isn't or wasn't a violation,  
they are saying, I didn't file through the  
Attorney General and for these reasons they  
want to Dismiss. However these charges would  
have never been filed in Court if CMU Police would  
have treated me in a fair way as they treat the  
white lady. Right is Right, Wrong is Wrong.

### Conclusion

I am asking the Court to please move  
my case forward against CMU Police in its  
entirety without Prejudice, and grant all relief  
the Court Deems necessary and just because CMU  
Police Knew of this situation and chose to do Nothing  
about it for Years. Times up, I've been silent long  
enough. We are at this point because the Actions of  
one Officer who's derogatory and discriminatory  
actions because of my race, were in violation of  
my Civil Rights. Mr. Hefflich #07 had a duty to respond  
to me and he chose to respond to the white lady that

page 9 of 5      Facts vs. Opinions

was involved. He chose to make the decision that he made on his own, I was held accountable for something that I never did or was guilty for. I was prosecuted to the fullest extent of the law without being put in jail. Mr. Heffrich needs to be held accountable for his actions because he did do something wrong. If I'm not guilty, who is? Who holds the police responsible for what they do?

Thanks for taking time  
to listen.

Tasha Spears

Tasha Spears

pro se

412-545-6838

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 17, 2018

Signature of Plaintiff Tasha Spears *pro se*  
Printed Name of Plaintiff Tasha Spears *pro se*

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_  
Printed Name of Attorney \_\_\_\_\_  
Bar Number \_\_\_\_\_  
Name of Law Firm \_\_\_\_\_  
Street Address \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA CITATION NO.  
NON-TRAFFIC CITATION P 9264361-1

1. District Number 5-2-35		2. District Number NT-77-13		3. Social Security Number 1945435317	
4. Magisterial District Office 550 1/2 Forward Ave PCH PA 15217				5. Driver's Number PA	
6. Plaintiff's Name - First TASHA					
7. Plaintiff's Name - Middle L.					
8. Plaintiff's Name - Last STEARNS					
9. Plaintiff's Address (Street-City-State-Zip Code) 5003 MARK Dr. Pittsburgh PA 15147					
10. Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		11. Date of Birth (MM/DD/YY) 5-31-74		12. Resident Status <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown	
13. Case Instituted by <input type="checkbox"/> On-View Arrest <input checked="" type="checkbox"/> Citation/Summons					
14. Date Instituted 3-13		15. Parents Located Yes		16. Parent's Name	
17. Date Instituted 3-13					
18. Time					
19. Offense <input checked="" type="checkbox"/> Disorderly Conduct <input type="checkbox"/> Harassment <input type="checkbox"/> Retail Theft <input type="checkbox"/> Other					
20. Criminal Trespass <input type="checkbox"/> Theft of Services <input type="checkbox"/> Criminal Mischief <input type="checkbox"/> Public Drunkenness <input type="checkbox"/> Scattering Rubbish <input type="checkbox"/> Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages					
21. Pa. Code					
22. CRIMES CODE TITLE 18					
23. SECTION 209 a 1					
24. SUB SEC. 2					
25. FINE 23.50					
26. COSTS					
27. J.C.P./A.T.J. C.J.E.A.					
28. TOTAL DUE \$					
29. Lib. Services Requested					
30. Code					
31. Zone					
32. Time					
33. Day					
34. City/Zip Code Pittsburgh					
35. County Allegheny					
36. State					
37. Date 3-15-15					
38. County Code					
39. City Code					
40. Date					
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P9264361-1

**Carnegie Mellon®  
UNIVERSITY POLICE**

300 South Craig Street  
Pittsburgh, Pennsylvania 15213-3799

2-13-13

Date

8003 MARK Drive  
Pittsburgh PA 15147

Dear

ASHA SPEARS

This is to advise you that effective immediately you are no longer permitted on the Carnegie Mellon University campus, including the university's off-site facilities or property. This is the result of your being observed engaging in illegal, unlawful, or unauthorized conduct under Commonwealth law and/or university policy.

If you are found on any university property after the above date, you will be arrested for Defiant Trespass plus any other appropriate charges. *BALONEY*

Any violation of the above order will result in your immediate arrest, and the confiscation and of any personal property used to commit said violations (e.g., skateboards, rollerblades/in-line skates, ramps, or other accessories).

Sincerely,

Officer Russell #07

Issuing Officer's name, rank, badge #

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY PENNSYLVANIA  
SUMMARY APPEALS BRANCH

COMMONWEALTH OF PENNSYLVANIA

VERSUS

CL/SA# 1018 OF 2013

TASHA L. SPEARS

ORDER OF COURT

APPLICABLE BOX CHECKED BELOW

DATE: JANUARY 8, 2014

- ☐ CHARGES DISMISSED DUE TO WITNESSES' FAILURE TO APPEAR PURSUANT TO PA. RULES OF CRIMINAL PROCEDURE 462 (C).
- ☒ DEFENDANT IS ADJUDGED NOT GUILTY. — *Comm. service completed*
- ☐ WITHDRAWN BY COMMONWEALTH/AFFIANT.
- ☐ DEFENDANT FAILED TO APPEAR. APPEAL IS DISMISSED AND JUDGMENT IS ENTERED ON THE JUDGMENT OF THE ISSUING AUTHORITY PURSUANT TO PA. RULES OF CRIMINAL PROCEDURE 462 (D).
- ☐ DEFENDANT IS ADJUDGED GUILTY. SENTENCE BELOW\*.
- ☐ DEFENDANT IS FOUND GUILTY OF A REDUCED CHARGE: \_\_\_\_\_ SENTENCE BELOW\*.
- ☐ OTHER \_\_\_\_\_

\*APPLICABLE  
SENTENCE: \_\_\_\_\_

FINE PLUS COSTS  
\_\_\_\_\_

ALL FINES, FEES, CONSTABLE FEES (IF APPLICABLE), COSTS, AND APPLICABLE RESTITUTION (IF ANY)  
ARE PAYABLE TO THE CLERK OF COURTS OF ALLEGHENY COUNTY IN SIXTY (60) DAYS OR THROUGH  
THE CLERK OF COURTS AS ARRANGED.

Constable fees applicable on convictions.  
Constable fees to be paid by County on Not Guilty verdicts.

ALL JAIL SENTENCES ARE TO BE EFFECTUATED BY SUMMARY APPEALS COURT.

BY THE COURT,

*Calder*, S.J.

ORIGINAL CONVICTION: 4/1/13

CHARGE: 5503

CITATION: P9264361-1

TR/NT: NT-77-13

IF APPLICABLE, DEFENSE HAS THIRTY (30) DAYS FROM THE DATE OF THIS ORDER TO FILE AN APPEAL TO THE  
SUPERIOR COURT